

H 966

CONGRESSIONAL RECORD — HOUSE

Mr. SCOTT. I thank the gentleman for yielding.
 I see it refers to investigative authority of the committee.

Will the committees under this resolution have authority to originate legislation as well as to investigate?

Mr. ASHBROOK. Our committee has always had authority to make investigations and to offer such remedial steps as are necessary. This may demand legislative action or executive department action. In the past 10 or 15 years, I will say frankly, most recommendations we have made have dealt with steps to be taken in the structure of the agencies of the executive departments of the Government. For example, almost a decade ago when Bernon Mitchell and William Martin defected to the Soviet Union the House Committee on Un-American Activities conducted a thorough investigation. No legislation came as a result of this inquiry which was brought to the House but, even more important, recommendations were made to the President which resulted in a number of significant changes in security practices within the NSA. The late Allen Dulles edited a new book, entitled "Great True Spy Stories," which notes on page 67:

Investigation revealed that both Martin and Mitchell were sexually abnormal, a situation which should have alerted security agents, but Maurice H. Klein, NSA's Assistant Director and Personnel Chief at the time, insisted the agency enjoyed "as tight a security program as there is in the whole government." Unimpressed Congressional probers discovered it was loose enough for Klein himself to have fabricated some of the records in his own personnel file. He was forced out, and NSA took 22 steps to tighten its vigilance. It fired 26 suspected sex deviates on its roles and in mid 1962 told Congress it had reviewed the security file of every employee.

This example indicates, in answer to the gentleman from Virginia, that our functions have been those of all other committees—investigate, legislate, and oversee. They will continue exactly the same if House Resolution 89 is adopted today.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SCOTT. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. Speaker, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from Virginia.

Mr. SCOTT. Mr. Speaker, my thought was, can this committee under the authority of the resolution bring matters to the floor of the House just as any other standing committee by its own initiative, or does it merely investigate and then let the regular committee or the other committees of the House bring these matters to the floor?

Mr. ASHBROOK. We can obviously bring matters to the floor at any time, I will say to the gentleman. In sound practice, we are going to investigate the need before we bring a bill out. I do not know of any time that we have brought up a bill without a thorough investigation in advance and being able to show a specific need for the bill. We intend to continue on that exact course of action which we followed in the past.

Mr. ICHORD. Mr. Speaker, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from Missouri.

Mr. ICHORD. I also wish to state that the resolution will give the House Committee on Internal Security a threefold function, as any committee of the House has: legislative, oversight, and investigatory. I point out that there are only three permanent investigating committees of the House, that is, the Appropriations Committee, the Government Operations Committee, and the House Committee on Un-American Activities.

(Mr. ASHBROOK asked and was given permission to revise and extend his remarks.)

Mr. COLMER. Mr. Speaker, I yield 6 minutes to the gentleman from Iowa (Mr. CULVER).

(Mr. CULVER asked and was given permission to revise and extend his remarks.)

Mr. CULVER. Mr. Speaker, I rise to urge Members to vote "no" on the previous question at the close of this debate. I urge this with gratitude to the gentleman from Missouri (Mr. ICHORD) for giving this House a much-needed opportunity to consider the vital question of reform of HUAC. However, only if the previous question is defeated will it be possible under our rules to offer an amendment which would cure what, in my judgment, are the serious deficiencies of House Resolution 89.

A large number of Members, including the author of House Resolution 89, are justifiably concerned over the ambiguous language of the present HCUA mandate of authority. Moreover, many Members are concerned over the past excesses of the committee which have fostered excesses on the part of its critics.

The time is opportune to consider anew how the Congress can best discharge its dual responsibilities of protecting the internal security of our Nation and guarding the civil liberties of our Nation's citizens. But we should not set sail here under a false flag—either we are genuinely interested in reform or we are engaging in political public relations.

In my judgment, House Resolution 89 is not reform; further, the measure's attempt at clarification of the HCUA mandate does not constitute a serious effort toward reform.

Meaningful reform in this area must involve a more precise and confining mandate for investigations concerning matters of internal security. Such an effort must at the least, in my judgment, seek to weigh the respective interests of internal security and civil liberty, and mark out as clearly as possible the respective boundaries of each interest, however wide or narrow.

House Resolution 89 fails to attempt such an effort. The author of the resolution has stated that his proposal "will preserve for the committee the full jurisdiction and all the powers it has possessed during the almost 29 years of its operation under the present mandate."—CONGRESSIONAL RECORD, January 18, 1967, page 725. After careful review, I must agree that his assessment is correct. House Resolution 89, in fact, does not

narrow the free-wheeling scope of operation of the proposed Committee on Internal Security in any way.

The difficulty with House Resolution 89, as with the present HCUA, is that the Congress grants investigating powers, whose broad sweep is inimical to constitutional principles and unwise as legislative policy. For example, the following questions at a minimum are left unresolved by the proposal:

What does it mean to "incite" acts of "terrorism" to "oppose" the "policy affecting the internal security of the United States?"—page 2, lines 12-16.

What is a group's "character" and what relevance does this have?—page 2, line 1.

What does "treachery" mean?—page 2, line 9.

Moreover, whatever clarity can be distilled from such words is entirely dissipated by subparagraph 3, page 2, line 16—which would retain committee jurisdiction over "all other questions" that in some unspecified way might aid the Congress in any remedial legislation.

But the central weakness of the proposal, wholly apart from these ambiguities, is that once an organization falls within the category of organizations to be investigated, and this I want to emphasize, all activities—innocent ones as well as threatening ones—may be investigated. Such innocent activities are most often those of speech, association, and belief.

The very times in which we live suggest a pragmatic reason why the powers of investigation should be refined, not, as House Resolution 89 would have it, maintained intact. In the past the HCUA has often functioned under its overly broad powers to provide gratuitous publicity to those it purports to oppose. As these groups increasingly seek out rather than shun the spotlight of the mass media, the Congress needs some assurance that its committees will not become unwitting foils for publicity-seeking extremists.

There is another very important point of Congressional organization at issue here. The very attempt of House Resolution 89 to reword investigating authority in the field of internal security in general and espionage in particular raises serious questions of jurisdictional conflict between the successor to the HCUA and the Committee on the Judiciary, which has been so ably covered by the chairman of the Committee on the Judiciary, the gentleman from New York (Mr. CULLEN).

Subparagraph (c) of clause 12 in rule XI explicitly grants jurisdictional authority over "espionage" to the Judiciary Committee. By granting authority over "espionage" matters—page 2, line 9—to another standing committee, as House Resolution 89 would do, jurisdictional conflict between two House committees is made inevitable.

By opening up and making clear for our consideration the possibility of a division of legislative and investigative authority between two standing committees of the House, House Resolution 89, in my judgment, provides the occasion for the House to effect meaningful and sound reform.

A consolidation of both investigative and legislative internal security functions